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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,470	10/11/2000	Conor McGann	0544MH-40022	3411

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EXAMINER	
DONAGHUE, LARRY D	
ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/686,470	MCGANN ET AL.	
	Examiner	Art Unit	
	Larry D Donaghue	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *06 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-22 are presented for examination.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-8, 11, 13, 15-17, 20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Abramson et al. (6,539,494).

Abramson et al. taught the invention as claimed a plurality of web servers (24a, 24b,24c) capable of hosting web browsing sessions, each session having session data associated therewith, each web server operable to: store all of the session data for each session hosted by the web server; and host each session without accessing session data from a remote location (col. 3, line 54-65; col. 4, lines 4-16; col. 1, lines 32-41)unless the web server is hosting the session for another web server that has failed (, col. 2, lines 1-16); a local director connected to a communications link and to the web servers, wherein the local director routes requests, each associated with a session, from remote browsers to a web server hosting the associated session (22a,22b) ; and a remote session server connected to the web servers, wherein the remote session server contains a copy of all session data for all sessions on all web servers (26a, 26b; col. 3, line 54-65; coll. 4, lines 4-16; col. 1, lines 32-41, col. 2, lines 1-16).

As to claim 2, Abramson et al. taught each web server has a local cache of session data for all sessions hosted on that web server (col. 4, lines 4-16).

As to claim 3, Abramson et al. taught the remote session server comprises at least two separate remote session servers, and each separate remote session server storing, a copy of the session data for a subset of the web browsing sessions (col. 2, lines 1-17).

As to claim 4, Abramson et al. taught each separate remote session server stores session data for a subset of web browsing sessions that does not overlap the subset of any other separate remote session server (col. 2, lines 1-17).

As to claim 11, Abramson et al. taught when a particular web server fails, the local director is operable to assign the sessions being hosted by the particular web server to one or more different web servers; and the remote session server is operable provide the session data for the sessions being hosted by the particular web server to the one or more different web servers (26a, 26b; col. 3, line 54-65; coll. 4, lines 4-16; col. 1, lines 32-41, col. 2, lines 1-16).

As to claim 6, Abramson et al. taught web session services, comprising the steps connecting each of a plurality of web sessions to a corresponding one of a plurality of web servers, each web server (24a, 24b, 24c) hosting a plurality of the web sessions; on each web server, caching all session data for each session hosted on that web server and hosting each session without accessing the session data from a remote location (col. 3, line 54-65; col. 4, lines 4-16; col. 1, lines 32-41)unless the web server is hosting the session for another web server that has failed (col. 2, lines 1-16); and copying all cached session data on every web server to a remote session server (26a, 26b; col. 3, line 54-65; coll. 4, lines 4-16; col. 1, lines 32-41, col. 2, lines 1-16).

As to claim 7, Abramson et al. taught a web server goes down, transferring the sessions that such web server was hosting to others of the web servers; and for each transferred session, copying session data for that session from the remote session server to a web server to which the session was transferred (col. 2, lines 1-17).

As to claim 8, Abramson et al. taught the remote session server comprises at least two separate remote session, and wherein servers; and the copying step comprises copying the session data for every web session to one of the separate remote session servers, wherein each separate remote session server maintains a copy of a selected subset of the web sessions (col. 2, lines 1-17).

As to claim 13, Abramson et al. taught when a particular web server fails, assigning the sessions being hosted by the particular web server to one or more different web servers; and providing, from the remote session server, the session data for the sessions being hosted by the particular web server to the one or more different web servers (26a, 26b; col. 3, line 54-65; coll. 4, lines 4-16; col. 1, lines 32-41, col. 2, lines 1-16).

As to claim 15, Abramson et al. taught providing web session services, the software being embodied in one or more computer-readable media and when executed using a computer system operable to: connect each of a plurality of web sessions to a corresponding one of a plurality of web servers (24a, 24b,24c), each web server hosting a plurality of the web sessions; on each web server, cache all session data for each session hosted on that web server and host each session without accessing the session data from a remote location (col. 3, line 54-65; col. 4, lines 4-16; col. 1, lines 32-41) unless the web server is hosting the session for another web server that has failed (col. 2, lines 1-16); and copy all cached session data on every web server to a remote session server (26a, 26b; col. 3, line 54-65; coll. 4, lines 4-16; col. 1, lines 32-41, col. 2, lines 1-16).

As to claim 16, Abramson et al. taught when a web server goes down, transfer the sessions that such web server was hosting to others of the web servers; and for each transferred session, copying session data for that session from the remote session server to a web server to which the session was transferred (col. 2, lines 1-17).

As to claim 17, Abramson et al. taught the remote session server comprises at least two separate remote session servers; and copying comprises copying the session data for every web session to one of the separate remote session servers, wherein each separate remote session server maintains a copy of a selected subset of the web sessions (col. 2, lines 1-17).

As to claim 20, Abramson et al. further operable to: when a particular web server fails, assign the sessions being hosted by the particular web server to one or more different web servers; and provide, from the remote session server, the session data for the sessions being hosted by the particular web server to the one or more different web servers (col. 2, lines 1-17).

As to claim 22, Abramson et al. taught web services, comprising: means for connecting each of a plurality of web sessions (22a, 22b) to a corresponding one of a plurality of web servers (24a, 24b, 24c), each web server hosting a plurality of the web sessions; means for, on each web server, caching all session data for each session hosted on that web server and hosting each session without accessing the session data from a remote location (col. 3, line 54-65; col. 4, lines 4-16; col. 1, lines 32-41) unless the web server is hosting the session for another web

server that has failed (col. 2, lines 1-16); and means for copying all cached session data on every web server to a remote session server (26a, 26b; col. 3, line 54-65; col. 4, lines 4-16; col. 1, lines 32-41, col. 2, lines 1-16).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 9, 10, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramson et al. (6,539,494) as applied to claims 1, 3, 6, 8, 15 and 17 above, and further in view of Hvasshovd 5,423,037.

As to claims 9 and 18, Abramson et al. does not expressly teach when a separate remote session server goes down, for each web session for which a copy of its session data was maintained on such separate remote session server, copy the session data for those sessions from the web servers hosting those sessions to another of the separate remote session servers . Hvasshovd taught the need to the need to regenerate data made unavailable by node failure (abstract), it would have been obvious to one of ordinary skill in the art to modify the teachings of Abramson et al. with Hvasshovd as it would as it would improve reliability and return to the pre failure state of the system, further both reference are directed to a solution of same problem.

As to claims 5, 10 and 19, Abramson et al. does not expressly teach the selected subsets for the separate remote session servers overlap and each web session is copied to two different separate remote session servers, Hvasshovd taught the redundant storage of data improves the reliability of the system by ensuring the continued availability of the data to the system (abstract) , it would have been obvious to one of ordinary skill in the art to modify the teachings of Abramson et al. with Hvasshovd as it would as it would improve reliability and recovery time, further both reference are directed to a solution of same problem.

Claims 12,14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramson et al. (6,539,494) as applied to claims 1, 11, 6, 13, 15 and 20, above, and further in view of Beshears et al. 5,408,649.

As to claim 12, 14, and 21, Abramson et al. does not expressly teach the different web server comprises a standby web server operable to handle sessions of web servers that have failed, Beshears et al. expressly taught the use a computer (e.g. server) operating on a standby basis, ready to assume operation of any other computers in the event of failure in that computer (col. 1, lines 10-16); it would have been obvious to one of ordinary skill in the data

processing art to modify Abramson et al. with Beshears et al. as it would improve reliability and recovery time, further both reference are directed to a solution of same problem.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scott et al.	6,560,717
Liechenstein et al.	File Server System Reliability Versus Level of Inactive and Active Parallel Standby Redundancy

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LARRY D. DONAGHUE
PRIMARY EXAMINER